IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: P. Laine	Attorney Docket No.: 944-003.016
Application No.: 10/041,706	Group No.: 2644
Filed: January 4, 2002	Examiner: Jefferey F. Harold

For: METHOD AND APPARATUS FOR PRODUCING RINGING TONES IN A COMMUNICATION DEVICE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-FINAL OFFICE ACTION (Paper No. 20041221)
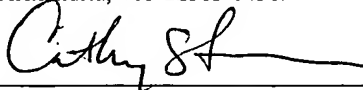
Sir:

This responds to the non-final office action, mailed February 7, 2004.

In the patent application, claims 1-41 are pending. In the office action, claims 1-4, 6, 8, 10-23, 27-29 and 31-39 are rejected and claims 5, 7, 9, 19, 24-26, 30, 40 and 41 are objected to but would be allowable if rewritten in independent form.

At section 1 of the office action, claims 1-4, 6, 10-13, 18, 20-23, 27-29 and 31, 32 and 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by *Oda* (U.S. Patent No. 6,621,903). The Examiner alleges that *Oda* discloses a telephone terminal having a means for generating a ringing tone (incoming call reporting melody) as claimed. However, the Examiner fails to clearly point to the relevant sections in *Oda*.

It is respectfully submitted that *Oda* discloses a method of composing a ringing tone by voice input and keypad input. Voice input is used to name a musical note or pitch, such as "re", and the keypad is used to define the note duration (col.6, lines 15-40). The user alternately inputs the pitch name and the note duration until the user presses an end button to complete the melody. While the user inputs the pitch name and the note duration, the corresponding musical staff is shown on the screen (see Figure 3a). When the composition is completed, the ringing tone is stored in a memory (see Figure 2, step S8).

In that respect, *Oda* discloses the step of generating a sequence of musical notes by alternately inputting pitch and duration. It is a method of composing an original ringing tone. However, the Examiner fails to point out where in the cited reference does *Oda* disclose the steps of modifying the sequence according to a set of modification rules and repeating the modified sequence a number of times.

In contrast, the claimed invention includes three steps:

1) generating a sequence of musical notes defined by pitch and duration;

2) modifying the sequence according to a set of modification rules regarding the pitch and duration of the musical notes within the sequence; and

3) repeating the modified sequence a number of times.

It is respectfully submitted that *Oda* fails to disclose Steps 2 and 3.

For the foregoing reasons, claims 1, 20 and 31 are clearly distinguishable over the cited *Oda* reference.

As for claims 2-4, 6, 8, 10-13, 18, 21-23, 27-29, 32 and 36-39, they are dependent from claims 1, 20 and 31. Thus, these dependent claims are also distinguishable over the *Oda* reference.
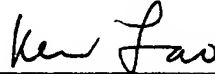
At section 2, claims 14-17 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Oda* in view of well-known prior art.

It is respectfully submitted that claims 14-17 and 33-35 are dependent from claims 1 and 31 and recite features not recited in claims 1 and 20. For reasons regarding claims 1 and 31 above, claims 14-17 and 33-35 are also distinguishable over the cited *Oda* reference.

CONCLUSION

Claims 1-41 are allowable. Early allowance of all pending claims is earnestly solicited.

Respectfully submitted,

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